

Tyringham Planning Board
Meeting Minutes – November 28, 2011
(Approved 12/12/11)

Present: Barbara Palmer, Robin Almgren, Carey McIntosh, Jerry Miller

(1) Minutes – Minutes for 14 Nov., 2011, approved as circulated.

(2) ANR's & Building Permits – No ANR's or Building Permit

(3) Public Comment – No public comment.

(4) Wireless Communication Bylaw – Agreed: we need to have an expert consultant on board as soon as possible, because when an application comes in we can't spend six weeks locating one. Also, a professional electromagnetic engineer must vet our new bylaw when we have a final draft. Jerry and Carey will find out how this kind of expert is hired.

Jerry circulated a Working Draft, dated 11/28/11, of a revised 6.7. It uses the rescinded bylaw as a basis, because that bylaw is much more complete and thorough than others we have looked at and so functions as a kind of check-list for all the items we should consider. This new draft leaves some sections of the rescinded bylaw untouched: for example, II. Consistency with Federal Law; III. Exemptions. It deletes or omits some sections: for example, four pages of Definitions (many are obvious, others are technical and therefore subject to change as the technology changes). It simplifies and condenses, by deleting some of the detail in the rescinded bylaw, details which, again, are likely to change as the years go by: for example, the sections in the rescinded bylaw on screening, landscaping, fencing, and tower finish have been condensed into one (VII C.), which puts all these issues to be decided "at the discretion of the Planning Board" if they "conform to the surrounding geography and character of the town." The new Working Draft also borrows language from the Williamstown wireless bylaw (which, by the way, also omits Definitions entirely).

Carey reported on his phone call to the Williamstown Town Planner, Andrew Dross: their wireless bylaw has been in place for at least ten years, has handled six applications successfully, and gives no trouble or concern. The first thing they do when an application comes in is to pass it along to their expert consultant! The Alford wireless bylaw is also now available, as an example of how a town as small as Tyringham handles the issue.

Questions: What is a Repeater? how big? How strong a signal does it emit? why must it be located at least 35' up in the air? Also, should home-owners have the right to locate a tower or repeater as close to their house as they want?

Board members are asked to go over the Working Draft carefully by our next meeting (Dec. 12). We must have a final draft by late February or very early March, in order to get it vetted by Counsel and an EMR engineer before holding a Hearing in early April.

(4) Old Business –

- The Handbook of Massachusetts Land Use and Planning Law (3rd ed.) by Mark Bobrowski has been purchased and may be consulted.

Adjourned.